

Notice of Allowability

Application No.

09/635,805

Examiner

Yogesh C. Garg

Applicant(s)

WIRTZ ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/16/2007.
2. ☒ The allowed claim(s) is/are 1-35.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date 8/29/2007.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 7/16/2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


YOGESH C. GARG
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 7/16/2007 has been entered.

Information Disclosure Statement

2. The references filed in the IDS on 7/16/2007 have been fully considered.

Drawings

3. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because drawing numbers 1-5 and 7 are hand drawn and do not comply with 37 CFR 1.84. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Allowable Subject Matter

4. Claims 1-35 allowed. Claims 1, 13, 14, 18, 22, 26, 30 and 33 are independent claims and the rest are their dependencies.

The following is an examiner's statement of reasons for allowance:

With regards to claim 1, the prior art of record neither alone or combined fairly anticipates or renders obvious a method for viewing items and interacting to order merchandise on a client computer that communicates with a server, wherein the server, on a request from the client computer for items, sends to the client computer a Web page and an auxiliary file containing descriptive data related to said items, comprising, inter alia, as a whole the steps of receiving, at the client computer, the Web page and the auxiliary file, to produce a graphical depiction of one or more promotional items on a graphical user interface coupled to the client computer, displaying descriptive data related to at least one of the promotional items in response to a request from the user, wherein the descriptive data is read from the auxiliary file in response to a request from a user without further accessing and querying said server and displayed with the graphical depiction on said graphical user interface and sending the descriptive data related to one of the promotional items to a selection panel in response to a selection request from the user, wherein the selection panel is displayed with the graphical depiction on said graphical user interface, wherein said sending is implemented by the client computer reading the auxiliary file and without accessing and querying the server for the descriptive data to be sent.

The applicant's arguments filed on 2/28/2007 (see Remarks, pages 18-22) are persuasive and compelling that the prior art of record does not teach or render obvious the above underlined limitations:

" *The claimed invention therefore enables the user to quickly select and view promotional items of merchandise and place certain of those items in a selection panel while the user continues to view other promotional items. In particular, the claimed invention is able to do this quickly because the user's computer interacts with the auxiliary file, which is received at the user's computer instead of a Web server, which is remote or not local to the user's computer.*

....*Franklin is directed to a system and method for conducting commerce over a distributed network where products of a plurality of merchants are compared on a client computer and the client determines a final product to purchase based on the comparison.Franklin does not disclose or suggest displaying descriptive data related to one or more products on the user's computer by reading the auxiliary file without further accessing and querying the merchant site server as in the claimed invention. Instead: Franklin discloses that the "commerce client" runs on the user's computer to support electronic shopping. The merchant and product information is stored in an electronic shopping cart while the payment source information and the shipping information is respectively stored in an electronic wallet and an electronic address book. (Col. 17, line 61 to Col. 18, line 22). The shopping cart, wallet and address book are software implemented and not transferred from a server.Franklin therefore only discloses the off-line display of product information gathered from a plurality of merchants for comparison by a user. Franklin does not disclose or suggest displaying the descriptive data of the products by reading an auxiliary file without accessing and querying the merchant servers as in amended claim 1. The gathered product data or information is not, or is not from, an auxiliary file sent from a server, but instead is generated based on. the information gathered by the user at their computer.....Franklin therefore teaches that the product information is transferred from a merchant server to the client's or user's computer in response to a user request and thereby teaches away from the claimed invention which does not further access and query the server for such information.....Thus, the information stored in the*

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gathered database of Franklin is the information entered in the shopping cart by the consumer or user and is not transmitted to user from the merchant site server. Instead the information is worked on by the user through entry of specific characters by fine user. The gathered database is accessed by the commerce client running on the user's computer. The information is not provided in an auxiliary file transmitted from the merchant site as in claimed invention because the product information stored in the gathered database is produced by the consumer or user and is stored in the user's computer in list form with other gathered product information from other Web sites or merchants.

.....Hartman does not disclose or suggest sending a Web page and an auxiliary file to a user's computer based on a request by the user. The sections of the Web page such as the "101 Summary Description of Item," " 104 Detailed Description of Item," and other sections described by Hartman are not the same as the auxiliary file of the claimed invention.Thus, Hartman discloses that the detailed product information requested by a user which is contained in the summary description section 101 and detail description sections on the Web page are sent to fine client computer from the server system by querying and accessing the server. Hartman does not disclose or suggest that this information is obtained from an auxiliary file as in the claimed invention.

For all of the above reasons, Applicants submit that the combination of Hartman, Franklin, Airnet, and Dan does not disclose, teach or suggest the subject matter of the claimed invention. Therefore, claim 1 and claims 2-12, which depend from claim 1, are each patentably distinguished over the combination of Hartman, Franklin, Airnet, and Dan and in condition for allowance. "

With regards to other independent claims 13, 14, 18, 22, 26, 30 and 33, they contain language closely parallel to the underlined language above and therefore the reasons for allowance for all these independent claims are based on the same rationale as set forth above for claim 1.

The reasons for allowance for all the dependencies of independent claims 1, 13, 14, 18, 22, 26, 30 and 33 are also based on the same rationale as set forth above for claim 1.

Discussion of most relevant prior art.

5.1 Hartman et al. (US Patent 5,960,411) teaches a method, a system and a computer program product for permitting a user to order merchandise on a client that communicates with two or more servers, the servers responding to on demand requests for a web page containing promotional items of merchandise, wherein the server sends to the client the web page and providing descriptive data related to the items, see at least col.1, lines 10-65, wherein the HTML documents contain tags for displaying text and graphics relating to merchandise. Hartman also teaches selecting various items and adding them to a shopping cart, see col.2, line 17-col.4, line 58 and Figs. 1A, 1B, 1C, 2, 3, 4. Hartman does not explicitly teach receiving an auxiliary file with the web page sent from the server and that the descriptive data is read from the auxiliary file in response to a request from a user without further accessing and querying said server and displayed with the graphical depiction on said graphical user interface and sending the descriptive data related to one of the promotional items to a selection panel in response to a selection request from the user, wherein the selection panel is displayed with the graphical depiction on said graphical user interface, wherein said sending is implemented by the client computer reading the auxiliary file and without accessing and querying the server for the descriptive data to be sent.

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5.2. Franklin et al. (US Patent 6,125,352), hereinafter Franklin, teaches a method, a system and a computer program product for conducting e-shopping over a distributed network wherein HTML coded web documents describing merchant products are transmitted to a client computer containing function calling information by which the consumer selected options invoke shopping related functions on the client computer (see Abstract). A consumer on his computer can invoke functions such as retrieving product information from merchants, selectively store product information locally on the client computer and locally compare product information from different merchants and selectively order products from the web-based merchants. But Franklin does not teach receiving an auxiliary file with the web page sent from the server and that the descriptive data is read from the auxiliary file in response to a request from a user without further accessing and querying said server and displayed with the graphical depiction on said graphical user interface and sending the descriptive data related to one of the promotional items to a selection panel in response to a selection request from the user, wherein the selection panel is displayed with the graphical depiction on said graphical user interface, wherein said sending is implemented by the client computer reading the auxiliary file and without accessing and querying the server for the descriptive data to be sent.

5.3. Web pages from web site www.airnet.com extracted from Internet on March 22, 2000, received with IDS, paper number 4, pages 1- 13, hereinafter referred to as Airnet. Airnet is directed a parts information management system, which displays on a single

screen, information related to products such as a hierarchical parts lists, prices, bulletins and exploded views of parts. Airnet specifically discloses that an image server displays images that contain hyperlinks to parts and assembly information stored in different databases. For example, when a user clicks on a part displayed on the image server page, the corresponding part and assembly information is displayed to the user. The electronic catalog page of Airnet, grabs each part as being linked to contents stored in a server via a hyperlink. Airnet therefore enables a user to click on a part and then retrieve the information on that part from a server and sends the information to the user's computer. Additionally, Airnet discloses that the part inventory information is stored in a relational database. Airnet therefore requires that the relational database and the image server are linked so that the information requested about a part by a user can be displayed on the user's computer. The user's computer merely controls the display of the accessed data on the page when the access and query are made in response to the user clicking on a part. In contrast, in the claimed invention, the descriptive information on a promotional item or product is not retrieved from a server, but instead from an auxiliary file. Also, the claimed invention does not make a hyperlink to a Web page as in Airnet. Instead, the claimed invention accesses an auxiliary file without accessing or querying the server.

5.4. IBM Corp., "Visual Configurator System for Configuring and Ordering IBM Products," Technical Disclosure Bulletin, vol. 34, No. 12, May 1992, pp.

368-371, discloses a program that allows configuration of a machine and to place an order for that configuration by presenting a picture of an empty machine and then

through the use of a mouse the user is presented with menus of potential devices that can be installed in various location of the machine under configuration and the program converts one's selections into codes and displays the price for the current set of selections, see page 368. However, this IBM bulletin does not teach, as a whole, receiving an auxiliary file with the web page sent from the server and that the descriptive data is read from the auxiliary file in response to a request from a user without further accessing and querying said server and displayed with the graphical depiction on said graphical user interface and sending the descriptive data related to one of the promotional items to a selection panel in response to a selection request from the user, wherein the selection panel is displayed with the graphical depiction on said graphical user interface, wherein said sending is implemented by the client computer reading the auxiliary file and without accessing and querying the server for the descriptive data to be sent.

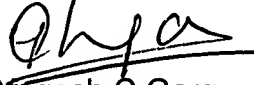
6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on Increased Flex.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Yogesh C Garg
Primary Examiner
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YCG
4/26/2007